IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 405 OF 2004

IN

SUM. SUIT NO. 2788 OF 2002

Fortis Financial
Services Ltd., .. Plaintiffs.

vs.

Shri Umesh V. Bhatia .. Defendant.

Mr. Kamal Khatha i/by Dholakia Gupta
for plaintiffs.
Mr. U.S. Samudrala for defendant.

CORAM : S.U. KAMDAR, J.
DATE : 19th SEPTEMBER, 2005.

P.C.:

. The present suit is filed on the basis of hire purchase arrangement arrived at by and between the plaintiff and the defendant company herein with Vikas Chemicals Ltd., The machineries are given on hire purchase to the company which is a principal debtor.. The learned counsel for the defendant states that the suit is only filed against the defendant as guarantors in respect of the default of

the hire purchase instalments. He further states that though the said documents are styled as hire purchase documents in fact the said transaction is a loan transaction. If that is so, then definitely triable issues arise in the present case. In that view of the matter summons for judgment is dismissed. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.